IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE

GOPALA KRISHNA TAMADA

WRIT PETITION No. 12291 of 2003

Between:

A.Munirathnam S/o.Seenaiah, Head Clerk,
Vth ADM Court, Chittoor.

..... PETITIONER

AND

1.The District & Sessions Judge,
Chittoor.
2. G.Prameela, Sheristadar,

Principal Senior Civil Judge's court
Tirupathi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or direction, more particularly in the nature of Writ of Mandamus directing the 1st Respondent to consider the case of petitioner for the promotion post by giving effect of Art.16(4A) of the Constitution of India and G.O.Ms.No.5, Social Welfare (S.W.ROR.1) Department, dt.14th February, 2003 and G.O.Ms.No.21, Social Welfare (S.W.ROR.1)Department dt.18th March, 2003 after reviewing the order of promotion given to 2nd Respondent in L.DIS.No.148-A/2003 dt.20-05-2003 as

illegal and violative of Art.16(4A) of the Constitution of India and G.O.'s.

Counsel for the Petitioner:MR.K.S.GOPALA KRISHNAN

Counsel for Respondent No.1:Smt.M.Bhaskara Lakshmi

Standing Counsel for APHC

Counsel for Respondent No.2: None appeared.

The Court made the following :

ORAL ORDER:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

Heard learned counsel for parties.

The grievance of the petitioner is that he was entitled to be promoted out of turn by virtue of G.O.Ms.No.5, dated: 14.2.2003. On the other hand, respondents promoted Respondent No.2. The petitioner belongs to reserved category of S.C. and was entitled to the benefit under G.O.Ms.No.5.

The facts are that Respondent No.2 was promoted on 20.5.2003 having been selected on 5.10.2002. The learned counsel for the petitioner submits that since Respondent No.2 was appointed and promoted on 20.5.2003, it was in contravention of condition (d) of G.O.Ms.No.5, which lays down:

> " Reservation in promotion in favour of Scheduled Castes and Scheduled Tribes shall be prospective and shall be made applicable to the posts to be filled up. As on the date of issue of these orders, the panel year for 2002-2003 has already commenced from 1st September, 2002 and therefore the panels already prepared and given effect shall not be disturbed. The panels which are not yet prepared shall now be prepared based on rule of reservation in promotion and panels prepared and not given effect to shall be reviewed on the principle of reservation in promotion in favour of Scheduled Castes and Scheduled Tribes."

The learned counsel for the High Court submits that the G.O. did not become

applicable to the Judiciary on 14.2.2003, but only became applicable when the High Court issued circular on 30.12.2003. Since G.O.Ms.No.5 was not applicable in May, 2005, therefore, there was no illegality committed by the Respondent No.1 in promoting Respondent No.2. We agree with the said submission and dismiss the writ petition. No costs.

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BILAL NAZKI, ACJ.

15.4.2005.

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GOPALA KRISHNA TAMADA, J.

VR.

To

1.The District & Sessions Judge,
Chittoor.

2. Smt. G.Prameela, Sheristadar, Principal Senior Civil Judge's

Court, Tirupathi.

3. One copy to Smt. M.Bhaskara Laxmi, Standing Counsel for

High Court of A.P., High Court Buildings, Hyderabad.

4**) 2 CD copies**

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